

**DEVELOPING THE PURPOSE AND NEED FOR NEPA DOCUMENTS
ADOT BROWN BAG PRESENTATION
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Introduction: How the Purpose and Need relates to the overall NEPA process-we are discussing the full range of NEPA documentation (CE/EA/EIS)

Why the Purpose and Need is Important to the Lifecycle of Your Project

- Foundation for decision-making
- Establishes the priority of the project as a public expenditure (If you don't need it-don't spend taxpayer money)
- Provides strong foundation for alternatives development
- If the project moves forward it provides some context for construction impacts

What is the Project Need?

- Project needs are problems that are being solved and the solution should be able to be measured for success at some future point in time. Describe the problem. Do not exaggerate or pad it.
- Need is the problem (accidents, congestion, etc.)

What is the Project Purpose?

- Overall goal or set of goals to achieve a transportation solution (improve traffic flow, maintain driving surface, provide passing opportunities, etc.).
- The project purpose is NOT the scope of work. Project purpose can be described as: we have this problem, so what do we want to accomplish on this project? How do we solve the problem or problems?

Purpose and Need Considerations in Reauthorization/SAFETEA LU 23 USC 139 (g)

- Participation: The lead agency must provide an opportunity for public involvement in defining Purpose and Need.
- Definition: The lead agency must define the project's purpose and need for purposes of any document which the lead agency is responsible for preparing the project.
- Objectives: The Purpose and Need Statement may include:
 - Transportation Objectives
 - Land Use/Economic Growth Objectives
 - Defense, National Security, or Other National Objectives

NOTE: We are waiting for the guidance from FHWA on this specific portion of SAFETEA-LU.

The Role of Purpose and Need in Decision Making (Summary)

- Should address project questions: Why this project? Why here? Why now?

Data Gathering Needs

- Logical termini
- Modeling for current and horizon year
- Timing needs for implementation
- Baseline Conditions (ADT, accident rates, LOS, etc...)

Purpose and Need Described in FHWA Technical Advisory T 6640.8A (Good document for reference-provides very useful information on Purpose and Need)

- Project Status
- System Linkage
- Capacity
- Transportation Demand
- Legislation
- Social Demands or Economic Development
- Modal Interrelationships
- Safety
- Roadway Deficiencies

Purpose and Need to Meet Other NEPA Requirements

- Floodplains
- Wetlands
- Environmental Justice
- 4(f) Evaluation

Integration of Planning and NEPA Processes

- February 22, 2005 Guidance
- Guidance on How Products from the Planning Process can be used in the NEPA Process Purpose and Need Statement
 - Should be a statement of the transportation problem (not a statement of a solution);
 - Should be based on articulated planning factors and developed through a certified planning process;
 - Should be specific enough so that the range of alternatives developed will offer real potential for solutions to the transportation problem;
 - Must not be so specific as to “reverse engineer” a solution; and
 - May reflect other priorities and limitations in the area, such as environmental resources, growth management, land use planning, and economic development.

Court Challenges Involving Purpose and Need

Plaintiffs (homeowners) vs. the Department of Transportation (11400 South Utah 2002)—EA was completed for the creation of a new freeway interchange at I-15 and 114th South to include a new bridge over the Jordan River at 114th South and the widening and extension of existing 114th South. The court found that the EA’s consideration of alternatives to the project was inadequate and an EIS was required and that:

- Purpose and Need was defined too narrowly and foreclosed a reasonable consideration of alternatives;
- Resulting alternatives were only looked at as “stand alone” solutions that could not meet the purpose and need for the project.

Sierra Club vs. US Department of Transportation (Nevada 2004): Plaintiffs argued that the EIS had improperly rejected a fixed guideway as a reasonable alternative under NEPA. The court found in FHWA’s favor finding that “FHWA reasonably relied on a “major investment study” conducted as part of its planning process” to establish that the fixed guideway alternative would not meet the project’s purpose and need, even when considered as part of a transportation strategy.

Special Issues

- Multimodal Projects
- Incorporating CSS (does it too broadly or too narrowly define the Purpose and Need?)
- Purpose and Need for projects that are already planned and programmed

Frequently encountered problems

- Mixing up the purpose, need, and scope of work in the text of the purpose and need statement.
- Ensuring that the purpose and need is not too narrowly defined.
- The fact that the purpose and need is the foundation for the project is often overlooked.
- Use of engineering “jargon” in the purpose and need—remember that this is a public document.